

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.) Criminal No. 04-30034-MAP
)
MICHAEL CROOKER,)
Defendant.)

Government's Opposition to Defendant's Pro Se Motion

The United States of America, by Carmen M. Ortiz, United States Attorney for the District of Massachusetts, submits this memorandum in opposition to the defendant's motion to file a reply brief or to file a third motion for a certificate of innocence (Docket No. 253).

First, the government objects to the defendant's pro se pleadings and motions because he is not authorized to file them. On November 30, 2006, the Court issued an order (Docket No. 183) reaffirming an earlier ruling on November 2, 2006, that the defendant was not entitled to file motions except through his counsel.

Second, the government continues to oppose the defendant's motion for a certificate of innocence at this time. The motion is premature because the Court of Appeals' mandate has not issued. The issuance of a certificate of innocence pursuant to 28 U.S.C. § 2513(b) should be addressed when the filing of a civil case pursuant to 28 U.S.C. § 1495, if any, is appropriate.

Third, the defendant's purported reason for interviewing the jurors - that "they were unknowing players in a corrupt frame-job" - is frivolous.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

by: /s/ Kevin O'Regan
Kevin O'Regan
Assistant U.S. Attorney

Date: August 11, 2010

Certificate of Service

August 11, 2010

I certify that I caused the foregoing document to be served via ECF on counsel for the defendant, Timothy G. Watkins, Esq.

/s/ Kevin O'Regan
Kevin O'Regan
Assistant U.S. Attorney